

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

Peter R Magrane

Case No. 19-20499-dob

Chapter 13

Hon. Daniel S. Opperman

Debtor,

_____/

AFFIDAVIT OF NON-COMPLIANCE

Panayiotis D. Marselis, being duly sworn, deposes and states:

I am a Attorney for Freedom Mortgage Corporation and am authorized to sign this affidavit on behalf of Freedom Mortgage Corporation with respect to a certain loan (the "Loan") provided to Debtor(s), which Loan is evidenced by the Note (defined below) and secured by the Mortgage (defined below). This Affidavit is provided in support of the Motion for Relief from Stay filed contemporaneously herewith (the "Motion"). In preparation for signing this Affidavit, I have reviewed the Chapter 13 Trustee's on-line records.

1. Pursuant to the terms of the ORDER ADJOURNING APRIL 21, 2022 HEARING TO MAY 12, 2022 that was entered on April 18, 2022 (Docket #79), the Debtor was to make a Plan Payment to the Chapter13 Trustee by April 28, 2022 and the Payment to post on the Chapter 13 Trustee by May 10, 2022. In addition, If the above is not completed by the date specified, the automatic stay as to the property described as 2357 Heath Road, Lupton, MI 48635 may be lifted without further notice or hearing upon the filing by the Creditor herein of an affidavit of non-compliance.

2. That upon review of the Trustee's on-line records on May13, 2022, no payments have been received by the Chapter 13 Trustee.

3. A copy of the Proposed Order is attached as Exhibit A.

Date: May 13, 2022

/s/ Panayiotis D. Marselis
Panayiotis D. Marselis (P66572)
Hladik, Onorato & Federman, LLP
Attorney for Creditor
3290 W. Big Beaver Rd., Ste 117
Troy, MI 48084
(248) 362-2600

EXHIBIT A

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**ORDER LIFTING AUTOMATIC STAY AND ENTRY OF ORDER
WAIVING THE PROVISION OF FRBP 4001(a)(3)**

Now Comes, Creditor, Freedom Mortgage Corporation, having filed an Affidavit of Non-Compliance on May 13, 2022 based on Debtor not curing the Default as prescribed in the Order Adjourning Hearing that was entered on April 18, 2022 (ECF Docket #79) and the Court being otherwise adequately and appropriately advised;

IT IS HEREBY ORDERED that the Stay afforded by 11 U.S.C. § 362 is lifted so as to permit Freedom Mortgage Corporation, its successors and assigns, with respect to the property located 2357 Heath Road, Lupton, MI 48635

IT IS FURTHER ORDERED that Creditor may exercise its remedies available under state law, up to and including foreclosure of its mortgage against the Debtors' interest in the Property and, in exercising those rights, Creditor may contact the Debtors by telephone or by written correspondence. Creditor may at its option offer, provide and enter into a forbearance agreement, loan modification, refinance agreement or other loan workout/loss mitigation agreement and shall be entitled to any attorney fees associated with same in accordance with the contract between the parties.

IT IS FURTHER ORDERED that notwithstanding Rule 4001 (a)(3), Creditor, Freedom Mortgage Corporation, its successors and assigns, may execute on its Order immediately. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other Chapter of Title 11 of the United States Code.

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CERTIFICATE OF SERVICE

Panayiotis D. Marselis says that on May 13, 2022, I served a copy of the Notice of Default upon the following parties either electronically, or by depositing in the U.S. Mail, postage prepaid:

Thomas McDonald
3144 Davenport
Saginaw, MI 48602
(Via CM/ECF Notification)

Tadd R. Klimmek
Klimmek Law Office PLC
7479 Middlebelt Rd., Suite 2
West Bloomfield, MI 48322 (Via CM/ECF Notification)

/s/ Panayiotis D. Marselis
Panayiotis D. Marselis (P66572)
3290 W. Big Beaver Rd., Ste 117
Troy, MI 48084
(248) 362-2600